IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

CRP.No. 2501 of 1996(F)

TLB.5/1994 of TALUK LAND BOARD, QUILANDY
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REVN. PETITIONER:

STATE OF KERALA.

BY GOVERNMENT PLEADER SRI. M.R. SABU.

RESPONDENTS/CLAIMANTS:
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1. **VETTUKUZHI MICHAEL,**
   KOORACHUNDU VILLAGE.

2. **MARIYAM, W/O VETTUKUZHI MICHAEL,**
   KOORACHUNDU VILLAGE, KOYILANDY.

BY ADV. SRI.P.K.SURESH KUMAR
R1 AND R2 BY SRI. P.K. SREEKUMAR.

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 14/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N. KRISHNAN, J.

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C.R.P. NO. 2501 OF 1996
AND O.P. 15774 OF 1999

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Dated this the 14th day of March, 2007.

O R D E R

The C.R.P. is preferred against the order of the Taluk Land Board, Koyilandy in T.L.B. 5/94 and O.P.15774/99 is filed to quash Ext.P2 order issued by the Deputy Tahsildar(Land Reforms). Since the matters relate to one and the same set of properties, they are disposed of by a common judgment. As far as the revision is concerned, the Taluk Land Board found that the declarant is holding a title to the extent of 12.49 std.acres of land and as his family consists of 7 members, under the provisions of Section 82 (1)(c) of the Kerala Land Reforms Act, the family is entitled to hold 12 std.acres and therefore directed him to surrender 49 std.acre of land equivalent to 1 acre and 23 cents of land. It is against that decision the State Government has come up in revision.

2. The learned Government Pleader strongly contends that the Tribunal has erred in exempting 5 acres of land comprised in Sy.No.839 as rubber plantation. A perusal of the Taluk Land

Board order would reveal that the plantation was done as early as in 1956 and it was registered with the Rubber Board as R.C.719/QLDY of 1956. Since the rubber plantation has come into being prior to the crucial date of 15.9.63, the Taluk Land Board was perfectly justified in exempting that land for the purpose of fixing the ceiling limit of the declarant. Though, the declarant claimed 50 cents of land for the convenient enjoyment of the dwelling house as the said land appurtenant to it, the Deputy Tahsildar reported that 25 cents of land will be adequate and sufficient and therefore that alone was accepted by the Taluk Land Board. The declarant claimed exemption of 2.20 acres of land as rubber plantation in Sy.No.840. The evidence available revealed that R.C. for only 80 cents of land was obtained prior to 15.9.63 and R.C. For balance extent of 1.40 acres was obtained in 1965, subsequent to the crucial date and therefore only exempted 80 cents of land as rubber plantation. The Taluk Land Board has taken note of all the contentions of the parties and ultimately arrived at a finding that the declarant is holding only 12.49 acres of land and therefore directed him to surrender 0.49 standard acres of land. I do not find any irregularity or illegality committed

by the Taluk Land Board which warrants interference. Therefore, the C.R.P. lacks merit and it is dismissed.

3. As far as the O.P. is concerned, it appears to be a never ending process of the Taluk Land Board to continue with the ceiling case. The Taluk Land Board had taken note of the entire factual circumstance available had disposed of the ceiling case directing him to surrender 1.23 acres of land which he had already surrendered. Therefore, after the appointed date, an attempt to initiate a proceeding u/s 85(9)(A) of the K.L.R. Act cannot be entertained. Therefore, Ext.P2 cannot stand the scrutiny of law and therefore it is liable to be quashed and I do so. Therefore, the O.P. is disposed of as indicated above.

M.N. KRISHNAN, JUDGE.

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M.N. KRISHNAN, J.

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C.R.P. NO. 2501 OF 1996
AND O.P. 15774 OF 1999

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J U D G M E N T

14th March, 2007.